



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/628,905 Confirmation No. 7440
Applicant : BROOKS et al.
Filed : July 28, 2003
Title : BOTULINUM TOXIN ELUTING STENT

TC/A.U. : 1600/1645
Examiner : TONGUE, L.J.

Docket No. : 17310CIP1CON1(BOT) ; D3108-CIP1-CON1
Customer No. : 33197

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

2/17/2005

Janet McTree

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TRANSMITTING TERMINAL DISCLAIMER

Dear Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. The Commissioner is hereby authorized to charge the necessary fee of \$130.00 (37 CFR 1.20(d)) to Deposit Account No. 01-0885.

Respectfully submitted,

Frank J. Uxa
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764



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 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Allergan, Inc., having a place of business at 2525 Dupont Drive, Irvine, California 92612, by its attorney, Stephen Donovan, of record in the above-identified application, represents that it is the assignee, as shown by the assignment recorded in the Patent and Trademark Office on April 7, 2003, at Reel 013898, Frame 0170, of the entire right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed. Further, your petitioner hereby certifies that, to the best of your petitioner's knowledge and belief, title to the above-identified application is in your petitioner, as assignee seeking to take the action in this Terminal Disclaimer.

Appl. No. 10/628,905
Terminal Disclaimer

Your petitioner, Allergan, Inc., hereby disclaims the terminal part of any United States patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,767,544, and hereby agrees that any United States patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 6,767,544, this agreement to run with any patent granted on the above-identified application and be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,767,544 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Appl. No. 10/628,905
Terminal Disclaimer

3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 17th day of February, 2005.

Respectfully submitted,



Stephen Donovan,
Attorney of Record
Reg. No. 33,433

Allergan, Inc.
Legal Department
Tower Two, Seventh Floor
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714-246-4026
Fax: 714-246-4249